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8  
9 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke  
13 Probation Against,

Case No. OA2006-360S

14 **MOJGAN V. HASSANI**  
11984 Rancho Bernardo Rd. #F  
15 San Diego, CA 92128

**PETITION TO REVOKE PROBATION**

16 **Occupational Therapy Assistant Certificate**  
17 **No. OTA 1532**

Respondent.

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19  
20 Complainant alleges:

21 **PARTIES**

22 1. Heather Martin (Complainant) brings this Petition to Revoke Probation solely in her  
23 official capacity as the Executive Officer of the California Board of Occupational Therapy,  
24 Department of Consumer Affairs.

25 2. On or about February 7, 2006, the California Board of Occupational Therapy issued  
26 Occupational Therapy Assistant Certificate Number OTA 1532 to Mojgan V. Hassani  
27 (Respondent). The Occupational Therapy Assistant Certificate was in effect at all times relevant  
28 to the charges brought herein and will expire on April 30, 2011, unless renewed.

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1           7. Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Condition 16, referenced above in that Respondent failed to abstain from the use of  
3 lawfully prescribed controlled substances during the period of probation. The facts and  
4 circumstances regarding this violation are as follows:

5           a. A urine specimen provided by Respondent to the collection site (FirstLabs,  
6 Inc.) on August 10, 2010, tested positive for benzodiazepines.

7           b. In a letter to the Board dated August 30, 2010, Respondent explained that she  
8 had misplaced her prescription for Xanax. She instead used tablets from an old prescription for  
9 Librium (chlordiazepoxide) prescribed in 2009.

10           c. Librium was not part of Respondent's current, documented treatment plan, and  
11 she failed to provide a report from her health professional as required by Probation Condition 16.

12  
13                                   **SECOND CAUSE TO REVOKE PROBATION**

14                                   **(Abstain From Alcohol)**

15           8. At all times after the effective date of Respondent's probation, Condition 17 stated:

16                   Abstain From Use of Alcohol. Respondent shall completely abstain from the  
17 use of alcoholic beverages during the period of probation.

18           9. Respondent's probation is subject to revocation because she failed to comply with  
19 Probation Condition 17, referenced above in that Respondent failed to abstain from the use of  
20 alcohol during the period of probation. The facts and circumstances regarding this violation are  
21 as follows:

22           a. Urine specimens provided by Respondent on June 7, 2010 and June 23, 2010,  
23 and evaluated by FirstLabs, Inc. tested positive for EtG/EtS (alcohol), a violation of Probation  
24 Condition 17.

25           b. On July 2, 2010, the Board contacted Respondent by telephone and advised her  
26 of the positive tests. Respondent stated her positive alcohol tests were the result of ingesting  
27 Nyquil for cold and flu symptoms. Respondent was directed to read again her acknowledgement  
28 signed on May 4, 2010, regarding information provided by the Board, "*Safe Medications to Use*

1 in Recovery,"<sup>1</sup> and that she must avoid products such as Nyquil. Respondent was warned that  
2 further positive tests could result in the revocation of her license.

3 c. Respondent subsequently submitted urine samples to FirstLabs, Inc. on July 7,  
4 2010, July 18, 2010, July 30, 2010, August 21, 2010, August 22, 2010, August 23, 2010,  
5 September 13, 2010, September 15, 2010, October 8, 2010, October 10, 2010, November 20,  
6 2010, and December 2, 2010, all of which tested positive for EtG/EtS (alcohol).

### 7 8 **THIRD CAUSE TO REVOKE PROBATION**

#### 9 **(Biological Fluid Testing)**

10 10. At all times after the effective date of Respondent's probation, Condition 18 stated:

11 Submit Biological Fluid Samples. Respondent shall immediately submit to  
12 biological fluid testing, at respondent's cost, upon request by the Board or its  
13 designee. There will be no confidentiality in the test results; positive test results will  
be immediately reported to the Board and the respondent's current employer.

14 11. Respondent's probation is subject to revocation because she failed to comply with  
15 Probation Condition 18, referenced above. The facts and circumstances regarding this violation  
16 are as follows:

17 a. In a letter to Respondent dated April 15, 2010, sent First Class and Certified  
18 Mail, Respondent was notified of the Board's new drug and alcohol testing procedures.  
19 Respondent was informed that FirstLabs, Inc. would conduct the biological fluid testing and that  
20 Respondent was required to call a toll free number or log onto FirstLab's website every day,  
21 Monday through Sunday, from 5 a.m. to 9 a.m. to determine if she had been selected for testing.

22 b. On or about August 7, 2010, Respondent failed to call FirstLab, Inc. or log onto  
23 their website between 5 a.m. and 9 a.m. As a result, Respondent missed a random biological fluid  
24 test that had been scheduled for August 7, 2010.

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26 <sup>1</sup> In a letter to Respondent dated April 28, 2010, Respondent was provided with a list of  
27 medications safe to use in recovery from chemical dependence. The prescription and over-the-  
28 counter medications were classified as "mood-altering ingredient to avoid," "potential risk," and  
"safe medication list." The OTC drug *Nyquil* was classified as "potential risk."

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

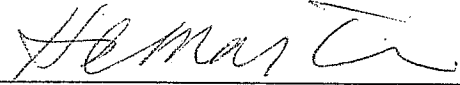
1. Revoking the probation that was granted by the California Board of Occupational Therapy in Case No. OA 2006-360 and imposing the disciplinary order that was stayed thereby revoking Occupational Therapy Assistant Certificate No. OTA 1532 issued to Mojgan V.

Hassani;

2. Revoking or suspending Occupational Therapy Assistant Certificate No. OTA 1532, issued to Mojgan V. Hassani;

3. Taking such other and further action as deemed necessary and proper.

DATED: 16 December 2010

  
HEATHER MARTIN

Executive Officer

California Board of Occupational Therapy

Department of Consumer Affairs

State of California

Complainant

SD2010702123